

TOWNSHIP OF WALL**ORDINANCE NO. 24 - 1996
AS AMENDED**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER IX, "STREETS AND SIDEWALKS", SECTION 9-1, "EXCAVATION OF STREETS", SUBSECTION 9-1.4, "EXCAVATION PROHIBITED", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, PERTAINING TO STREET OPENING PROCEDURES.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, in the County of Monmouth, State of New Jersey as follows:

Section 1. Chapter IX, "Streets and Sidewalks", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, Section 9-1, "Excavation of Streets", be and the same is hereby further amended and supplemented by the deletion therefrom of Section 9-1.4, "Excavation Prohibited", and the substitution therefor of the following:

"9-1.4 EXCAVATION PROHIBITED.

a. Except as set forth in subparagraph b. herein, no permit shall be issued for any excavation in a street which has been newly paved or resurfaced by or on behalf of the township for a period of five (5) years from the date of the acceptance by the township of the paving or resurfacing work.

b. A permit may be issued for a utility tap opening of no more than nine (9) square feet in area in a street which was newly paved or resurfaced prior to January 1, 1996 after the passage of three (3) years from the date of the acceptance by the township of the paving or resurfacing work, subject to the following conditions:

1. The purpose of the excavation is for a tap to provide original utility service to a home or other structure being newly constructed.

2. The issuance of the permit shall be conditioned upon the posting

by the applicant of a cash deposit to guarantee restoration in the amount of five hundred (\$500.00) dollars.

3. The area excavated shall be restored with stabilized base course level and shall be made flush with the existing pavement.

4. After the passage of sixty (60) days and prior to the expiration of ninety (90) days from the date of the completion of the work, the patched area shall be heated with an infra-red heater to an area two (2) feet outside of the edge of the original cut, and bituminous concrete surface course shall be installed over the extended area.

5. The township engineer shall inspect the restoration work. If the restoration work is properly and timely completed, the township clerk shall return the restoration deposit to the applicant. Should the township engineer determine that the restoration work has not been properly completed, or if the restoration work is not completed within ninety (90) days, the restoration deposit shall be forfeited to the township.

6. The applicant shall deposit with the township a maintenance guarantee in the amount of one thousand (\$1,000.00) dollars, which may be posted in the form of cash or bond. The maintenance guarantee shall be held by the Township for a period of five (5) years and shall be utilized if necessary for the repair, resurfacing, restoration or paving of the area excavated, pursuant to the permit. Should such work not be necessary during the five (5) year period, the maintenance guarantee shall be returned to the applicant."

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on November 18, 1996. The ordinance was considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall Township, New Jersey, on December 11, 1996 at which time the ordinance was amended to revise Section 9-1.4b.6. to read in full as follows:

“6. The applicant shall deposit with the township a maintenance guarantee in the amount of one thousand (\$1,000.00) dollars, which may be posted in the form of cash or bond. The maintenance guarantee shall be held by the Township for a period of five (5) years and shall be utilized if necessary for the repair, resurfacing, restoration or paving of the area excavated pursuant to the permit. Should such work not be necessary during the five (5) year period, the maintenance guarantee shall be returned to the applicant.”

The ordinance, as amended, was finally adopted by the Township Committee of the Township of Wall on December 11, 1996.

BEATRICE M. GASSNER, C.M.C.
Township Clerk